

Notice of Allowability

Application No.

10/663,352

Examiner

Frederick Krass

Applicant(s)

TSENG ET AL.

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received 9/12/07.
2. ☒ The allowed claim(s) is/are 45 and 47-60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 9/15/03 (p. 6 only)
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10/01/07.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other Drawings (9/15/03) accepted.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Nabinger on October 1, 2007.

The following changes have been made:

1) In the specification, first page, fourth line, immediately after "August 5, 2002," there has been inserted --- now abandoned, ---

2) In the specification, first page, tenth line, immediately before the period ending the sentence there has been inserted --- , which is a continuation-in-part of 07/749,137, filed 08/23/91, now abandoned ---

3) In the specification, page 2, last line on the page, immediately after "1991," there has been inserted --- now abandoned, ---

4) In the specification, page 7, the heading "Description of the Preferred Embodiment" has been changed to:

--- Brief Description of the Drawings ---

5) In the specification, page 7, between the eighth and ninth lines (immediately after and below the sentence ending “not shown” and immediately above the sentence beginning “Referring”, there has been inserted the heading:

--- Description of the Preferred Embodiment ---

6) Claim 47, first line, “46” has been changed to --- 45 ---

7) Claim 48, first line, “ , 46” has been deleted.

8) Claims 48 and 55, second line of each claim, in each instance “comprising” has been changed to --- comprises ---

9) Claim 60, last line, “-in” has been deleted.

Examiner’s Comment: Additional Relevant Art

USP 5,322,031 has recently come to the examiner’s attention and is cited as demonstrating the state of the art. (The examiner in fact considers this the most relevant

Art Unit: 1614

reference now of record, but is not available as "prior art" because of its later effective publication date).

USP 5,322,031 discloses color-changing latex layers for use in baby bottle nipples, which indicate the degree of wear by leaching a water-soluble dye from the layers in response to environmental degradation. See column 2, lines 8-15. These products are distinguishable from those recited instantly, however, insofar as the water soluble dye is contained in a matrix comprising porous inorganic fillers (see the passage bridging column 3, line 65 to column 4, line 3).

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick Krass whose telephone number is (571) 272-0580. The examiner can normally be reached at (571) 272-0580 on Monday through Friday from 9:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel, can be reached at (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frederick Krass
Primary Examiner
Art Unit 1614

A handwritten signature in black ink, appearing to be 'F. Krass', is written over the printed name and title.